

Notice of Allowability

Application No.

10/005,923

Examiner

John J. Romano

Applicant(s)

FLANAGAN ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicants appeal brief dated 3/03/2006.
2. ☒ The allowed claim(s) is/are 1-51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. Applicant's arguments, see appeal brief, filed March 3rd, 2006, with respect to claims 1-51 have been fully considered and are persuasive. The finality of the final rejection has been withdrawn. Claims 1-51 are allowed.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:
The prior art of record fails to teach or fairly suggest, at least limitations "... (b) mapping at least one of said warnings into at least one annotation modification; (c) modifying the computer program in accordance with said at least one annotation modification so that the number of annotations in the computer program changes, thereby producing a modified computer program; (d) repeating each of steps a), b) and c) until no warnings produced in step a) are suitable for mapping into an annotation modification...", and in as such manners as recited in independent claim 1. Independent claims 22, 36, 50 and 51 at least similarly reflect the cited portion, thus claims 1-51 are allowed.

Closest prior art, Jackson, Examiner cited art, teaches reporting an error to a user. However, Jackson does not teach that the checker program maps a discovered error to an annotation and then modifies the annotation to cure the error until no warnings are produced in step c), as cited in claim 1 and similarly recited in the remaining independent claims. Appellant's claim 1 reflects the

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intended use as evident in Figure 5, of the Appellant's application, element 512 and 514 disclose mapping a warning into an annotation modification and removing from the program any mentioned candidate annotation. Specifically on page 39, of Appellant's specification, line 2 discloses mapping the warning into an annotation modification. Furthermore, line 8 discloses removing the annotation from the program.

In the cited prior art, Jackson discloses a flow diagram that teaches what the checker program does with errors once they are discovered, wherein the errors are located in the computer program and then reported to the user. Jackson does not suggest that the checker program maps the errors to annotations, then modifies the annotations to cure the errors, specifically by removing the errors. Instead, Jackson modifies the computer program with annotations, thereby increasing the annotations. The modifying of the program in step (c) comprises eliminating annotations, thereby reducing the number of errors as opposed to adding annotations and increasing the number of errors as taught in Jackson.

Similarly, Saxe does not teach or suggest step (b), mapping at least one warning into an annotation modification or (c) modifying the computer program. Saxe teaches that a section of source code is fed back into a verification generator as opposed to the claimed limitation of step (b) above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

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preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Romano whose telephone number is (571) 272-3872. The examiner can normally be reached on 8-5:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJR


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